

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM PERRY,

Plaintiff,

-against-

ADA MARK ANTHONY MONACO; DA
ALVIN BRAGG; ADA LISA DEL PIZO; ADA
STUART SILBERG; ADA ERIN TIERNEY;
ADA SHIRA ARNOW; ADA ALEXANDRA
WYNNE; OFFICER THOMAS MULLINS;
OFFICER DONYA BARDLIVING,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/28/2025

24-cv-8736 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

By order dated December 20, 2024, the Court granted the *pro se* Plaintiff's request to proceed *in forma pauperis*. Dkt. No. 5. The Court subsequently issued an order of service respectfully directing the Clerk of Court to fill out a U.S. Marshals Service Process Receipt and Return form for the named Defendants and to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the named Defendants. Dkt. No. 13. Service has not yet been made.

On March 10, 2025, Plaintiff moved for leave to file an amended complaint including adding new defendants. Dkt. No. 20. Federal Rule of Civil Procedure 15(a)(1)(A) permits a party to amend its pleading once as a matter of course no later than twenty-one days after serving it. *See* Fed. R. Civ. P. 15(a)(1)(A). "Because Plaintiff never served the original Complaint, the 21-day time limit to file an amended complaint under Rule 15(a)(1)(A) never commenced." *Morris v. New York Gaming Comm'n*, 2019 WL 2423716, at *4 (W.D.N.Y. Mar. 14, 2019), *report and recommendation adopted*, 2019 WL 2423203 (W.D.N.Y. June 10, 2019). However, out of special solicitude for Plaintiff's *pro se* status, the Court will grant Plaintiff leave to amend.

To allow Plaintiff to effect service on Defendants the City of New York; New York County District Attorney Alvin Bragg; New York County Assistant District Attorneys Mark Anthony Monaco, Lisa Del Pizo, Stuart Silberg, Erin Tierney, Shira Arnow, Alexandra Wynne, and Hannah Perlman; and New York County District Attorney Officers Thomas Mullins and Donya Bardliving through the U.S. Marshals Service, the Clerk of Court is respectfully directed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further directed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

The Court orders the U.S. Marshals Service to serve upon Defendants Plaintiff’s amended complaint instead of Plaintiff’s original complaint.

On March 17, 2025, Plaintiff submitted a letter stating that he intends to refile a motion for a temporary restraining order and requested permission to file part of the proposed order to show cause under seal. Dkt. Nos. 21–22. The Court refers Plaintiff to Attachment A to the Court’s Individual Rules of Practice which states the procedure for sealed or redacted filings.¹

SO ORDERED.

Dated: March 28, 2025
New York, New York



LEWIS J. LIMAN
United States District Judge

¹ The Court’s Individual Rules are available at the following link:
https://nysd.uscourts.gov/sites/default/files/practice_documents/LJL%20Liman%20Individual%20Practices%20in%20Civil%20Cases_updated%203.17.2025.pdf